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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 10 Jennylynn Adamwicz, an individual,

Case No.: 3:22-cv-33

11 Plaintiff,

Keolis Transit Services, LLC's Petition
12 vs. for Removal

13 Keolis Transit Services, LLC, a foreign corporation;
14 Does I through X; and Roe Entities I through X,

Defendants.

15 Keolis Transit Services, LLC petitions to remove this case to the United States District
16 Court for the District of Nevada from the Eighth Judicial District Court for the State of Nevada.
17 This petition for removal is signed per Rule 11.

18 Removal is appropriate per 28 U.S.C. § 1441 because diversity jurisdiction is present per
19 28 U.S.C. 1332. Plaintiff alleges she is a Californian.¹ Keolis Transit Services, LLC is a wholly
20 owned subsidiary of Keolis Transit America, Inc., a Delaware corporation with its principal place
21 of business in Massachusetts. Plaintiff alleges injury from an incident that occurred on September
22 6, 2019.² Although the complaint listed the Regional Transportation Commission of Washoe
23 County, that entity was subsequently dismissed.³ Keolis is the only remaining defendant.

24 As to the amount in controversy, on January 11, 2022 Plaintiff filed a motion in state court
25 to exempt her case from a program intended for cases where the amount in controversy is \$50,000
26

27

¹ ECF No. 1-2 at ¶ 2.

² *Id.* at ¶ 8.

³ ECF No. 1-4.

1 or less. Plaintiff asserted exemption was warranted because Plaintiff has medical bills in excess of
 2 \$30,543.65.⁴

3 In prior cases in this district, the types of injuries and damages asserted here have indicated
 4 an amount in controversy exceeding \$75,000. In *Doelamo v. Karl-Heinz* the defendant argued
 5 more than \$75,000 was in dispute because plaintiff alleged “approximately \$22,000 in past
 6 medical damages, and he argues that it is more likely than not that if Plaintiff is successful on his
 7 claims for lost wages, future medical damages for his ‘permanent’ condition(s), past and future
 8 pain and suffering, and attorney’s fees, he will recover more than \$75,000 total in the case.”⁵ This
 9 was sufficient to create subject matter jurisdiction.

10 In the Court’s experience, a personal injury claim including \$22,000 in past medical
 11 bills will normally include a plea to a jury for several times this amount in future
 12 medical bills, particularly where one alleges a permanent condition related to the
 13 injury. The Court can conclude this without even considering pain and suffering, lost
 14 wages, or attorney’s fees. Considering those measures of damages and fees, as well, it
 15 is nearly certain that Plaintiff in reality seeks more than \$75,000. The Court has little
 16 doubt that Plaintiff will ask the jury to award him more than \$75,000, whether in this
 17 Court or in state court.

18 In *Canonico v. Seals* the plaintiff conceded at least \$50,000 was in dispute due to past and
 19 future medical treatment and property damage.⁶ “The remaining question is whether more than
 20 \$25,000 is at stake in the form of pain and suffering, loss of earning capacity, loss of enjoyment of
 21 life, compensatory damages, attorney’s fees, and costs. It almost certainly is.”

22 In *Perreault v. Wal-Mart Stores, Inc.* the complaint sought an amount in excess of
 23 \$10,000.00, as well as special damages, reasonable attorney’s fees, costs, and other appropriate
 24 relief.⁷ The plaintiff provided an itemized list of her then-current medical costs, totaling
 25 \$38,769.60 and noted that her medical bills were continuing to “trickle in.” The amount in
 26 controversy threshold was satisfied as “it appears likely that plaintiff’s total requested damages
 27 exceed \$75,000.00.”

28

⁴ ECF No. 1-6.

⁵ No. 2:14-cv-339, 2014 U.S. Dist. LEXIS 72664 (D. Nev. May 27, 2014).

⁶ No. 2:13-cv-316, 2013 U.S. Dist. LEXIS 60047 (D. Nev. Apr. 25, 2013).

⁷ No. 2:16-cv-809, 2016 U.S. Dist. LEXIS 115591 (D. Nev. Aug. 29, 2016).

1 Given these facts, diversity of citizenship is present, the amount in controversy exceeds
2 \$75,000, and the removal petition was timely filed.

3 DATED this 21st day of January, 2022.



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11 **Certificate of Service**

12 Pursuant to Rule 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman &
13 Dicker LLP, and that on January 21, 2022, I served **Keolis Transit Services, LLC's Petition for**
14 **Removal** as follows:

- 15 by placing same to be deposited for mailing in the United States Mail, in a sealed
16 envelope upon which first class postage was prepaid in Las Vegas, Nevada;
17 via electronic means by operation of the Court's electronic filing system, upon each
18 party in this case who is registered as an electronic case filing user with the Clerk;

19 Tanner Churchill Anderson
20 4001 Meadows Lane
21 Las Vegas, NV 89107
22 Attorneys for Jennylynn Adamwicz

23 BY: /s/ Michael Lowry
24 An Employee of

